REMARKS

The Examiner objected to the Oath/Declaration because it did not include the signatures of the first and second inventors. Applicant's records indicated that a new Declaration was submitted on April 3, 2002 in response to a Notice of Missing Parts. A copy of that response is attached hereto.

The Examiner objected to Claim 1 because of the phrase "capable of...". The above amendment to Claim 1 remove the phrase in question.

The Examiner rejected Claims 1-9 under 35 U.S.C. 112, second paragraph, because the Examiner maintains that "a light signal from said interface" is not clear. The above amendments to Claim 1 remove the phrase in question, and hence, render the issue moot.

Claim 1, line 14, the Examiner stated that "said light signal" is not clear. The amendments to Claim 1 leave only one light signal, i.e., the light signal input to the stimulus input port. Hence, Applicant submits that the light signal in question is now clearly stated.

The Examiner also rejected Claim 1 because the manner in which the reference signal generator is connected to the optical interface device was not clear. The claim clearly states that the reference signal generator is part of the optical interface device and converts the light signal received on the stimulus input port into a stimulus signal and a reference signal. Any arrangement that allows this functionality is covered. Hence, Applicant submits that the claim sets out the area claimed with the required degree of precision and particularity. The inquiry under the second paragraph of 35 U.S.C. 112 "is merely to determine whether the claims do, in fact, set out and circumscribe a particular area with a reasonable degree of precision and particularity" (*In re Moore*, 169 USPQ 236, 238).

The Examiner rejected Claims 1-9 under 35 U.S.C. 103(a) as being unpatentable over Bloom (5,764,348). Applicant traverses this rejection. "The mere fact that a reference could be modified to produce the patented invention would not make the modification obvious unless it is suggested by the prior art." (*Libbey-Owens-Ford v. BOC Group*, 4 USPQ 2d 1097, 1103). "When the PTO asserts that there is an explicit or implicit teaching or suggestion in

the prior art, it must indicate where such a teaching or suggestion appears in the reference" (*In re* Rijckaert, 28 USPQ2d, 1955, 1957). Hence, Applicants respectfully submit that the Examiner has not made a *primia facia* case for obviousness with respect to Claim 1 or the claims dependent therefrom.

With reference to Claim 1, the Examiner looks to Figure 3 of Bloom. In particular, the Examiner identifies port 40 as the stimulus input port of Claim 1, port 42 as corresponding to the test signal output port, ports 38a-38j as routers connected to device test ports, and switches A and B as the first and second switches, respectively. The Examiner admits that Bloom does not teach generating reference and stimulus signals. According to the Examiner, it would be obvious to modify Bloom's laser to generate a plurality of different wavelength signals for testing different characteristics of the DUT. Applicant assumes that the Examiner is arguing that such a modification would satisfy the limitations of Claim 1. Applicant must respectfully disagree.

Even if one were to replace laser 14 shown in Bloom by a laser that emits a plurality of wavelengths, the resulting apparatus would not satisfy the limitations of Claim 1. The claim requires that the reference signal generator operate on the light signal received at the stimulus input port to generate two signals, a stimulus signal and a reference signal. The modification suggested by the Examiner merely alters the characteristics of the light signal received at the stimulus input port. Hence, the modification could not satisfy this limitation of Claim 1. Hence, Applicant submits that the Examiner has not made a *primia facia* case for obviousness with respect to Claim 1, or the claims dependent therefrom.

I hereby certify that this paper is being sent by FAX to 703-872-9318.

Respectfully Submitted,

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